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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,043	12/04/2006	Julia M. Volpe	W7115.0060	4432
32173 7590 03/28/2008 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER				
PAGAN, JENNIFER MARIE				
ART UNIT		PAPER NUMBER		
4147				
MAIL DATE		DELIVERY MODE		
03/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,043

Applicant(s)

VOLPE, JULIA M.

Examiner

JENINE M. PAGAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISAC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 7/26/2006

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/26/2006, is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

FIG. 2

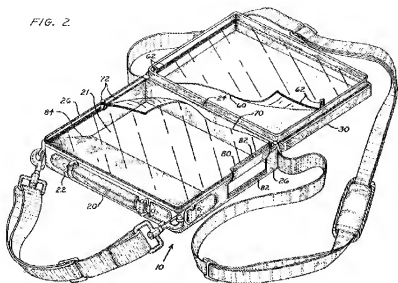
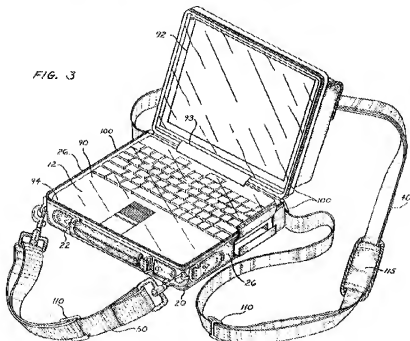


FIG. 3



Sauer et al. (US 5,938,096)

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauer et al. (US 5,938,096).
4. In re claim 1, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- a casing member (20) adapted to form a compartment for containing and surrounding an article (12) therein, the casing member (20) defining an opening portion for the article to pass there through when being inserted into or removed from the compartment (Column 3, Lines 32-36); and
 - a closure member (62) for selectively closing the opening portion to maintain the article enclosed in the casing member (20);
 - wherein the casing member (20) further defines an access port (80) which selectively communicates with the compartment (Column 3, Lines 56-69)
5. In re claim 2, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:
- in a non-trial mode, the access port (80) is closed so that the article can be completely covered and enclosed in the casing member (20) when the closure member (62) closes the opening portion; and
 - in a trial mode, the access port (80) is opened by the user to reach the article (12) contained in the compartment
6. In re claim 3, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:
- the access port (80) is sized to prevent the enclosed article (12) from being removed there from during normal use
7. In re claim 4, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:
- the access port (80) self closes until it is forced open

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8. In re claim 5, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) surrounding the access port (80) is made of a flexible material

9. In re claim 6, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) surrounding the access port (80) is at least partially reinforced

10. In re claim 7, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- at least a portion of the casing member (20) is made of transparent material (Column 3, Lines 23-29)

11. In re claim 8, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) is formed by one or more wall members (22, 24, 26)

12. In re claim 9, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) is formed by an integral wall member (22, 24, or 26)

13. In re claim 10, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the access port (80) is formed by overlapping said one or more wall members (22, 24, 26)

14. In re claim 11, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- a casing member (20) adapted to selectively enclose and surround an interior chamber for containing at least one article (12) (Column 3, Lines 32-36); and
- an access mechanism (80) formed in the casing member (20) selectively operable by a user to move between a first position which forms an opening communicating with the interior chamber and a second position which prevents communication with the interior chamber (Column 3, Lines 56-69)

15. In re claim 12, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the access mechanism (80) is sized and configured to allow a user to access and feel the at least one article (12) and prevent the user from removing the at least one article (12) from the packaging device (10)

16. In re claim 13, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the access mechanism (80) self closes until it is forced open

17. In re claim 14, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- a casing member (20) adapted to enclose and surround an interior chamber for containing at least one article (12); and
- an access mechanism (80) formed in the casing member (20), the access mechanism (80) being sized and configured to allow a user to access and feel the at least one article (12) and prevent the user from removing the at least one article (80) from the packaging device (10)

18. In re claim 15, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the access mechanism (80) self closes until it is forced open

19. In re claim 16, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) surrounding the access port (80) is made of a flexible material

20. In re claim 17, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) surrounding the access port (80) is at least partially reinforced

21. In re claim 18, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- at least a portion of the casing member (20) is made of transparent material (Column 3, Lines 23-29)

22. In re claim 19, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the casing member (20) is formed by one or more wall members (22, 24, 26)

23. In re claim 20, with reference to Figure 2 and 3, Sauer '096 discloses a packaging device:

- the access port (80) is formed by overlapping said one or more wall members (22, 24, 26)

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bisbal et al. (US PG Pub 2001/0054569 A1) discloses a display and carrying package. Jones (US 5,967,327) discloses an article suspension package system and method. Grosskopf et al. (US 5,944,188) discloses a sample package.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Friday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jenine M Pagan
Examiner
Art Unit 4147

JP
/George Nguyen/

Supervisory Patent Examiner, Art Unit 4147